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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,283	01/19/2001	Tsugio Okamoto	FQ5-515	6372
466	7590	06/15/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			VOLPER, THOMAS E	
		ART UNIT		PAPER NUMBER
		2665		
DATE MAILED: 06/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/764,283	OKAMOTO, TSUGIO
Examiner	Art Unit	
Thomas Volper	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

<ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)          Paper No(s)/Mail Date <u>3 and 4</u>.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413)          Paper No(s)/Mail Date. ____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: ____.</li> </ol>
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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas et al. (US 5,862,206).

Regarding claims 1, 2 and 9, Thomas discloses a packet buffer for storing packets for each of the flows of packets (col. 37, lines 49-64; see Figure 6B), a content-addressable memory for storing a plurality of scheduled transmission times at different addresses each corresponding to the flows of packets (col. 47, line 56 – col. 48, line 19), a timer counting a current time (col. 25, lines 23-33) and a current-time searcher for searching the content-addressable memory for a scheduled transmission time matching the current time to determine whether a packet to be transmitted at the current time exists (col. 23, lines 4-15). Thomas also discloses a packet management table for storing linkage information indicating a linkage of a plurality of packets that are to be transmitted at a same scheduled transmission time (col. 22, lines 50-58; see schedule table 174, Figure 20a). The entries in the table are stored by using a VC number, which is equivalent to a flow number and is stored at a particular entry of the table representing its scheduled time slot. Thomas also discloses a packet transmission controller for transmitting at

least one packet at the scheduled transmission time matching the current time by referring to the packet management table (col. 37, lines 49-64).

Regarding claim 3, Thomas discloses the scheduling of VCs depends on whether the flow is a CBR or ABR flow, which meets the limitation of calculating a transmission time based on a predetermined traffic (col. 21, lines 49-58). Thomas also discloses searching to determine whether the calculated transmission time matches a scheduled transmission time that has been registered and adding an input packet to the linkage for the calculated scheduled transmission time (col. 23, lines 4-40).

Regarding claims 4-6, 10 and 11, Thomas discloses eliminating a scheduled transmission time meeting the calculated transmission time and removing a packet that has been transmitted from a linkage by using a valid flag (col. 26, line 18 – col. 27, line 67).

Regarding claim 7, Thomas discloses the entries in the table are stored by using a VC number, which is equivalent to a flow number and is stored at a particular entry of the table representing its scheduled time slot (col. 22, lines 50-58; see schedule table 174, Figure 20a).

Regarding claims 8 and 12, Thomas discloses that the flows are scheduled according to whether they are CBR or ABR flows, which meets the limitation of calculating a transmission time to meet its predetermined traffic parameter.

### *Conclusion*

3. Any inquiry concerning this communication, or earlier communications from the examiner should be directed to Thomas Volper whose telephone number is 703-305-8405 and

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fax number is 703-746-9467. The examiner can normally be reached between 8:30am and 6:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached at 703-308-6602. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Thomas E. Volper

*TV*

June 2, 2004



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600